

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

I. EXECUTIVE SUMMARY

Date of Incident:	April 5, 2017
Time of Incident:	12:53 am
Location of Incident:	[REDACTED]
Date of COPA Notification:	April 5, 2017
Time of COPA Notification:	10:13 am

On the night of this incident [REDACTED] the owner of the [REDACTED] Lounge, telephoned 911 to report an ex-employee threatened him during a dispute over wages. The ex-employee left the lounge before the police responded. During the investigation Mr. [REDACTED] could not explain how he had been threatened or provide any information regarding the ex-employee. Mr. [REDACTED] also did not have the required business licenses displayed inside the lounge. Mr. [REDACTED] alleged that when the officers attempted to take him into custody one of the officers pushed him from behind and a second officer punched him on his face. Mr. [REDACTED] was subsequently arrested and transported to a police station by other officers.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED]; Star # [REDACTED]; Employee # [REDACTED]; Date of Appointment: [REDACTED] 1992; Rank: Sergeant; Unit of Assignment: [REDACTED]; DOB: [REDACTED] 1967; Gender: Male; Race: White.
Involved Officer #2:	[REDACTED]; Star # [REDACTED]; Employee # [REDACTED]; Date of Appointment: [REDACTED], 2013; Rank: Police Officer; Unit of Assignment: [REDACTED]; DOB: [REDACTED], 1988; Gender: Female; Race: Hispanic.
Subject #1:	[REDACTED]; DOB: [REDACTED], 1973; Race: Asian/Pacific Islander.

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer #1: Unidentified	1. Punched Mr. [REDACTED] about his face.	Unfounded
	2. Refused to allow Mr. [REDACTED] to call his attorney.	Unfounded
	3.	
Officer #2: Unidentified	1. Pushed Mr. [REDACTED] from behind without justification.	Unfounded
	2. Refused to allow Mr. [REDACTED] to call his attorney.	Unfounded
	3.	

IV. APPLICABLE RULES AND LAWS

Rules
1. Rule 8: Disrespect or maltreatment of any person, while on or off duty.
2.
3.
General Orders
1.
2.
3.
Special Orders
1. Special Order S08-01-01; Part II, Section F, Paragraph 13.
2.
3.
Federal Laws
1.
2.
3.
State Laws

## V. INVESTIGATION<sup>2</sup>

### a. Interviews

In a statement to COPA on April 6, 2017, the complainant, ██████ stated that on the night of this incident his former employee came to his business for her paycheck. Mr. ██████ explained that the former employee claimed she was owed more money and refused to sign for the check. They argued, and Mr. ██████ stated that his former employee threatened him by saying, "And she gonna contact the Labor Department and she gonna contact this person, that person. And she's goin' wild, crazy."<sup>4</sup> Mr. ██████ stated that his former employee took her check and left without signing for it. Mr. ██████ explained that he then called 911 because his former employee did not sign for her check.

Mr. ██████ stated that when the police arrived he explained to them what transpired. A female Hispanic officer repeatedly asked him about his liquor license. Mr. ██████ told the officer that all his business licenses were in his office. Mr. ██████ walked to his office and retrieved the licenses. He showed them to the officer who then asked about a license on a wall. Mr. ██████ told the female officer that he had other licenses on the wall in his office. Mr. ██████ and the female officer began to walk to his office when he was stopped by a male white officer wearing a white uniform shirt. The male officer told Mr. ██████ that his business license is required to be hanging visibly on a wall. The male officer told Mr. ██████ that he was under arrest, to which Mr. ██████ said to the officer that he (Mr. ██████) did not believe he could be arrested for not displaying his license. Mr. ██████ stated that the male officer pulled out his handcuffs and told Mr. ██████ to give him his hands. Mr. ██████ stated that he backed away from the male officer because he did not want to be arrested. The male officer attempted to grab him, but Mr. ██████ repeatedly pulled away from the officer. Mr. ██████ stated, "Both of them jump on me, beat me, and scratch on my face."<sup>5</sup> According to Mr. ██████, the male officer punched him on his mouth when the officers were attempting to grab him. Mr. ██████ stated that the female officer pushed him from behind. Mr. ██████ did not know how he sustained the scratch to his face. Mr. ██████ was subsequently handcuffed by the officers. Mr. ██████ stated that he bled from his face and his mouth. Mr. ██████ stated that he was then transported to the police station by two different police officers.

### b. Digital Evidence

The recording from Sgt. ██████'s **Body-Worn Camera**<sup>6</sup> showed Sgt. ██████ entering the foyer of the ██████ Lounge and attempted to speak to Mr. ██████ by asking him where his business licenses were but Mr. ██████ was speaking on his cell phone. Sgt. ██████ and Officer ██████

<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> Attachment 17.

<sup>4</sup> Statement of ██████, P. 7, L. 28-31.

<sup>5</sup> *Id.*; P. 14, L.5-7.

<sup>6</sup> Attachment 26.

entered the lounge and were followed by Mr. [REDACTED]. Sgt. [REDACTED] informed Mr. [REDACTED] that he was being audio and video recorded, to which Mr. [REDACTED] did not protest.

Sgt. [REDACTED] and Officer [REDACTED] repeatedly asked Mr. [REDACTED] to tell them where his business licenses are posted. Mr. [REDACTED] responded by saying that the police are not allowed to enter and look for the licenses. Sgt. [REDACTED] and Officer [REDACTED] continued to walk around the first floor of the establishment to locate the business licenses. Mr. [REDACTED] followed the officers and eventually stated that the licenses were in a packet in his office. Sgt. [REDACTED] explained to Mr. [REDACTED] that he (Mr. [REDACTED]) is required to post specific licenses for the public to observe.

Sgt. [REDACTED] began to instruct Officer [REDACTED] as to which police reports needed to be completed. Mr. [REDACTED] became increasingly agitated and repeatedly interrupted the officers. Mr. [REDACTED] also appeared to be intoxicated in that he slurred his words as he spoke, he leaned on furniture to steady himself, and at moments was argumentative and incoherent. Mr. [REDACTED] also threatened to call the commissioner and report the officers the following day.

Sgt. [REDACTED] then informed Mr. [REDACTED] he was under arrest for failing to cooperate with any aspect of this incident and to put down his cell phone. Mr. [REDACTED] refused to comply and pulled away from Sgt. [REDACTED] when Sgt. [REDACTED] grabbed him by his arm. Officer [REDACTED] grabbed Mr. [REDACTED] by his right arm and repeatedly told him to relax. Mr. [REDACTED] became more aggressive by pulling away from both officers. Mr. [REDACTED] then tells the officers to shoot him. Mr. [REDACTED] was forced to the floor and handcuffed. After Mr. [REDACTED] was handcuffed Sgt. [REDACTED] informed him that he would be charged with resisting arrest.

Mr. [REDACTED] was then escorted outside and placed into a marked police SUV. Sgt. [REDACTED] is heard telling officers that his (Sgt. [REDACTED]'s) eye glasses were broken in the struggle with Mr. [REDACTED].<sup>7</sup>

**Evidence Technician Photographs<sup>8</sup>** of Mr. [REDACTED] taken on April 6, 2017 depict him to have what appears to be a vertical scratch on the right side of his face, a small scratch to his left wrist, and redness to the inside of his lower lip.

### c. Documentary Evidence

In his **Initiation Report<sup>9</sup>** dated April 5, 2017, Sgt. [REDACTED], # [REDACTED], Unit [REDACTED], wrote that the complainant, [REDACTED], requested to speak to a supervisor in the [REDACTED] District Station. Mr. [REDACTED] stated to Sgt. [REDACTED] that an unknown female Hispanic police officer pushed him from behind and that an unknown male white police officer punched and scratched his face while arresting him. Sgt. [REDACTED] wrote that he observed a scratch on the right side of Mr. [REDACTED]'s face, an abrasion on the inside of his lower lip and blood smeared on his shirt. Sgt. [REDACTED] requested that an Evidence Technician photograph Mr. [REDACTED]'s injury. Mr. [REDACTED] declined medical attention.

<sup>7</sup> The remaining Body-Worn Camera Recording ([REDACTED]) did not show the arrest and altercation with Mr. [REDACTED]. The recording showed additional officers escorting Mr. [REDACTED] from the lounge. Mr. [REDACTED] is heard apologizing to the officers and asking to telephone his attorney, to which the officers reply that he would be allowed to.

<sup>8</sup> Attachment 22.

<sup>9</sup> Attachment 4.

The **General Offense Case Report**<sup>10</sup> stated that Officers [REDACTED], # [REDACTED] and [REDACTED], # [REDACTED], responded to a call of a Disturbance in the office at the [REDACTED] Lounge located at [REDACTED]. Preliminary Investigation revealed that Mr. [REDACTED] had a meeting with an ex-employee over wages. The meeting escalated into a verbal altercation, during which the ex-employee failed to leave the premise and made threats in which Mr. [REDACTED] felt he was in fear of retribution or of receiving a battery. When asked about the specific threats or actions that would indicate an assault, Mr. [REDACTED] could not offer an explanation. Also, the ex-employee had left the premises prior to the officers' arrival. While waiting for Mr. [REDACTED] to provide license information and contact info for the ex-employee Officers [REDACTED] and [REDACTED] were informed that the ex-employee relocated to the [REDACTED] District Station to make a report regarding unpaid wages by Mr. [REDACTED]. It was determined that the incident was civil, not criminal, in nature. During the investigation Officer [REDACTED] asked Mr. [REDACTED] if the required business licenses were posted on the walls for inspection. Mr. [REDACTED] stated the licenses were posted, but an inspection of the premises determined that to not be true. No licenses were posted on the premise. Mr. [REDACTED] became agitated and refused to answer any questions or provide basic information. Officer [REDACTED] is then heard telling Sgt. [REDACTED], # [REDACTED], that officers had been on the scene for approximately 20 minutes and that Mr. [REDACTED] has not produced any of the information requested by them. Sgt. [REDACTED] is heard informing Mr. [REDACTED] that he was under arrest for not cooperating with the investigation. Mr. [REDACTED] was instructed to place his cell phone down and place his hands behind his back. Sgt. [REDACTED] placed one cuff on Mr. [REDACTED]'s left wrist, at which time Mr. [REDACTED] became an active resistor by pulling away and stiffening his body in an attempt to defeat the arrest. Sgt. [REDACTED] and Officer [REDACTED] performed an emergency takedown and Mr. [REDACTED] was successfully handcuffed and taken into custody. Mr. [REDACTED] was walked to a police vehicle without further incident. It was reported that during the emergency takedown Sgt. [REDACTED] struck his right elbow on an unknown object and that Officer [REDACTED] struck her left knee on the ground. Officers [REDACTED] and [REDACTED] noted that at the time of the incident Mr. [REDACTED] appeared to have been intoxicated in that he had slurred speech, he smelled of alcohol, redness to his eyes, and uneven movement.

Mr. [REDACTED]'s **Arrest Report**<sup>11</sup> stated that Beat [REDACTED] (Officers [REDACTED] and [REDACTED]) were assigned to a disturbance at [REDACTED]. Mr. [REDACTED] informed Officer [REDACTED] that he was the victim of an assault by an ex-employee who failed to leave the premise. Officer [REDACTED] learned during the investigation and reporting that the allegations Mr. [REDACTED] made against the ex-employee were largely exaggerated and untrue. The ex-employee had left the location after being asked. During questioning, Mr. [REDACTED] did not offer any reasonable or credible explanation as to why he felt threatened by the ex-employee. Furthermore, Mr. [REDACTED] failed to provide any of the ex-employee's identifying information. Mr. [REDACTED] also did not provide any requested license information as required of a licensed premise. When asked, Mr. [REDACTED] stated that his business license was posted on a wall inside the premise. Investigation revealed no license was posted or available. When the officers attempted to place Mr. [REDACTED] under arrest, Mr. [REDACTED] stiffened his body and pulled away from Officer [REDACTED] and Sgt. [REDACTED] in an attempt to defeat the arrest. Mr. [REDACTED] was subsequently placed under arrest and transported to the [REDACTED] District Station where he was processed. Mr. [REDACTED] was charged with Failure to Report to a Public Safety Agency, 2 counts of Resisting a Police Officer, Failure to Post Health Warning, Failure to Cooperate with Police regarding Illegal Activity in

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<sup>10</sup> Attachment 6.

<sup>11</sup> Attachment 5.

Licensed Premise, and Failure to Display License Insignia. The Receiving Screening Record stated that Mr. [REDACTED] did not have obvious pain or injury.

Sgt. [REDACTED]'s **Tactical Response Report (TRR)**<sup>12</sup> stated that Mr. [REDACTED] did not follow verbal direction and stiffened his body and pulled away from the officers during his arrest. The report continued that Sgt. [REDACTED] responded by performing a takedown/emergency handcuffing technique. In the "Subject's Statement Regarding the Use of Force" narrative section, Lt. [REDACTED] wrote that Mr. [REDACTED] stated, not verbatim, that he put a lot of money into River North. Mr. [REDACTED] continued with that vein of thought and never addressed the events leading to his arrest.

Officer [REDACTED]'s **Tactical Response Report (TRR)**<sup>13</sup> stated that Mr. [REDACTED] did not follow verbal direction and stiffened his body and pulled away from the officers during his arrest. The report continued that Officer [REDACTED] responded to Mr. [REDACTED]'s actions by utilizing verbal commands, escort holds, wristlocks, and take down / emergency handcuffing techniques. In the "Subject's Statement Regarding the Use of Force" narrative section, Lt. [REDACTED] wrote that Mr. [REDACTED] stated, not verbatim, that he put a lot of money into River North. Mr. [REDACTED] continued with that vein of thought and never addressed the events leading to his arrest.

## VI. ANALYSIS

Mr. [REDACTED] alleged that during his arrest the officers physically abused him by pushing him and punching him about his face.

The recording from Sgt. [REDACTED]'s Body-Worn Camera did not corroborate Mr. [REDACTED]'s account of this incident. The recording showed an argumentative and irrational Mr. [REDACTED] who escalated the situation by first telling Sgt. [REDACTED] that he (Mr. [REDACTED]) did not believe that the officers were permitted to enter his lounge and inquire about his business licenses. Officer [REDACTED] is heard explaining to Sgt. [REDACTED] that officers had been on scene for approximately 20 minutes and that Mr. [REDACTED] has not produced any of the information requested by the officers. Sgt. [REDACTED] then explained to Mr. [REDACTED] that he was being arrested for failing to cooperate with the officers and is instructed to place his hands behind his back. Mr. [REDACTED] is heard verbally refusing to do so and he resisted by pulling his arms away from the officers. The officers are heard repeatedly telling Mr. [REDACTED] to calm down and place his hands behind his back. Mr. [REDACTED] refuses and continually pulls away from the officers, who force him to the floor and handcuffed him. During the struggle Mr. [REDACTED] is heard telling the officers to shoot him.

The recording did not show any officer punch Mr. [REDACTED]. Additionally, the recording showed that Sgt. [REDACTED]'s eyeglasses were broken during the struggle with Mr. [REDACTED].

Mr. [REDACTED] also alleged that the officers refused to allow him to call his attorney before placing him under arrest. The officers were not required to wait for Mr. [REDACTED] to make his phone call before placing him under arrest. Furthermore, Mr. [REDACTED] was heard on the body-worn camera recording asking to call an attorney and the officers answering in the affirmative.

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<sup>12</sup> Attachment 7.

<sup>13</sup> Attachment 8.

This investigation revealed no evidence to support the allegations made by Mr. [REDACTED]. Conversely, there is clear and convincing evidence that the facts did not occur as alleged. Accordingly, these allegations are UNFOUNDED.

**VII. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Unidentified Officer	1. Punched Mr. [REDACTED] about his face.	Unfounded
	2. Refused to allow Mr. [REDACTED] to call his attorney.	Unfounded
Unidentified Officer	1. Pushed Mr. [REDACTED] from behind without Justification.	Unfounded
	2. Refused to allow Mr. [REDACTED] to call his attorney.	Unfounded

Approved:

[REDACTED]

March 7, 2019

[REDACTED]

Date

Deputy Chief Administrator – Chief Investigator

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	[REDACTED]
<b>Major Case Specialist:</b>	[REDACTED]
<b>Supervising Investigator:</b>	[REDACTED]
<b>Deputy Chief Administrator:</b>	[REDACTED]